DOCUMENT RESUME

ED 278 465 JC 870 103

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TITLE Computer and Information Applications in Two-Year College Collective Bargaining.
INSTITUTION Florida State Univ., Tallahassee. State and Regional Higher Education Center.
SPONS AGENCY Kellogg Foundation, Battle Creek, Mich.
PUB DATE Mar 87
NOTE 23p.
PUB TYPE Reports - Research/Technical (143)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Administrative Policy; *Collective Bargaining; Community Colleges; *Computer Oriented Programs; *Computer Uses in Education; Data Processing; Information Needs; *Information Sources; National Surveys; Negotiation Agreements; Two Year Colleges

ABSTRACT

A nationwide survey of two-year colleges with collective bargaining was conducted to determine who serves as chief negotiator for the colleges, the sources of information these individuals rely upon for their data, and the extent to which electronic data processing is used in the bargaining process. Of the 248 two-year colleges surveyed, 160 (64.5%) responded. Study findings included the following: (1) 61% of the colleges indicated that the chief negotiator was a member of the college staff, while 44% employed an outside individual as the chief negotiator; (2) outside negotiators were most likely to be attorneys; (3) the most commonly used sources of information on collective bargaining were personal contacts, the "Chronicle of Higher Education," state negotiators' groups, and the state school board; (4) 110 institutions reported that their chief negotiator had access to a computer to facilitate the negotiation process; and (5) computers were used predominantly for text management and word processing. Recommendations are included. (EJV)

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COMPUTER AND INFORMATION APPLICATIONS IN TWO YEAR COLLEGE COLLECTIVE BARGAINING

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March, 1987

A publication of the
State and Regional Higher Education Center
(Established With Assistance of a Grant
from the W. K. Kellogg Foundation)
College of Education, The Florida State University

FOREWORD

Collective bargaining is a fact of life for many two year colleges. The advent of computer technology has enabled faculty and employee unions to use sophisticated national networks and information systems. In addition to trend data and financial analyses, such systems provided model contract language, legislative interpretations and even court rulings that can favor the union case. This is due to the three national union organizations more often found represented among the two year college units.

This study sought to learn what the institutions have done to deal with such a formidable situation. Who represents the college interest? How is the computer technology used? What statewide systematic approaches exist? These and other questions guided the study which involved a survey of all two year colleges identified as having collective bargaining.

The report should be of value to trustees and presidents obviously. However, state directors in collective bargaining states, two year college organizations and negotiators should also find the report provocative and challenging.

Appreciation is extended to all those who responded to the survey, to Ms. Jean Perrotti who prepared the manuscript and to the Tallahassee Community College Print Shop for duplication and binding.

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ABOUT THE AUTHORS

1.0 Introduction

Since the advent of collective bargaining in higher education, there has been considerable research on the impact on the campus. The initial research studied the reasons why faculties at institutions of higher education wanted collective bargaining. The early studies are best characterized by Lindeman's 1973 study which concluded that the primary reasons faculty voted for faculty bargaining were: inadequate compensation; dissatisfaction with the faculty role and governance; the statutory right to bargain; and inept administration; as well as the competition for membership among the AAUP, AFT and NEA.

Later studies examined the reasons why some faculties chose collective bargaining while others either rejected the process or did not appear to be concerned with it. Baldridge, et al (1978) found a direct relationship between faculty militancy and the morale, trust in the administration, as well as satisfaction with working conditions and identity with the institution. These factors were associated with faculty unionism in two year institutions and public colleges, which exhibited the lowest levels of trust and satisfaction.

As the movement towards collective bargaining increased, research focused on the economic differences in institutions with and without collective bargaining. The effect of collective bargaining on the governance as well as on the finances of the affected institutions, was also examined. During the initial ten year period of collective bargaining in higher education (1965-1975), it was found that the financial gains realized by faculty with collective bargaining exceeded those of their

non-unionized colleagues. However, after 1975 studies began to find an equalization of financial benefits. It has been speculated that non-unionized colleges were forced to increase their salaries to either remain competitive in seeking personnel or as a union avoidance mechanism. Now, some 20 years after the advent of collective bargaining in institutions of higher education, it appears there are no significant differences between economic benefits enjoyed by unionized versus non-unionized faculty when the data is adjusted to account for institutional size and geographical location (Henry, 1983).

At the present time, the rate of acceptance of collective bargaining on college campuses appears to have slowed considerably. The major issue involving collective bargaining appears to be who will represent the faculty. It is not unusual to see the representation switching back and forth between the three major faculty unions: the AAUP, the AFT and the NEA. This competition for bargaining representation has led to each of the three employee unions becoming much more sophisticated in their approach to the collective bargaining process. This increased sophisticated bargaining approach has placed additional demands on the college administration to increase its preparation in handling collective bargaining on the campus. As the process of collective bargaining matures on college campuses, the need for better information to bring to the table and during negotiations has dramatically increased. The three employee unions are constantly preparing reports on the financial condition of the faculty to be used to support claims for additional benefits and better contract language

and to make faculty aware of their standing among the various professions.

The organizational abilities and technology capability of the unions' central organization staffs provide a continuous flow of information to the campus unions. In general, this information provides a financial comparison among all institutions of higher education, continuous update on applicable federal and state legislation and regulations, in addition to an update on case law as it may pertain to employees' rights.

While some national institution-member organizations strive to keep constituent institutions aware of the latter issues, it is unclear the extent to which institutions receive information necessary to be adequately prepared for collective bargaining. The purpose of this study was to determine who represents the two-year college at the bargaining table, what sources of information these individuals rely on for their data, and the extent to which electronic data processing is used in the bargaining process.

2.0 Methodology

To initiate the study, all public two year institutions with collective bargaining as listed by the Academic Collective Bargaining Information Service, the National Center for the Study of Collective Bargaining in Higher Education and the Professions, as well as from responses to solicitations from the State Director for Community Colleges in each state were identified. A survey instrument was developed, pilot tested, revised, and sent out to all 248 institutions thus identified. One hundred and sixty responses were received, representing a 64.5 percent response rate for the survey.

Four institutions indicated union bargaining had been discontinued on their campuses, so the final usable response number was one hundred and fifty-six institutions. Three responses were from state systems: Massachusetts, Minnesota, and Rhode Island. Since these states have system wide bargaining, their surveys were counted as single responses even though there are multiple campuses or colleges in each system.

3.0 Board Representation at Bargaining Table

The issue of who should represent the employer at the bargaining table has been the subject of considerable debate since the advent of collective bargaining in higher education. Prior to collective bargaining, the president was the decision maker on campus. However, collective bargaining forced a reconsideration of who, in legal terms, is the employer of faculty. In some states the employer has been determined to be the state itself; consequently bargaining is conducted at the state level by representatives of either the governor's office and/or the Department of Higher Education which oversees the community colleges. In those states where the local board is the employer, the board of trustees determine who should represent the board at the bargaining table. In some cases the board appoints its own members as the negotiators; in other cases the president or his designee conducts the negotiations. Other options used by the board of trustees include: the board attorney, an administrative bargaining team, or a consultant skilled in collective bargaining.

In response to the question "Who represents the institutions as its chief negotiator?", ninety-six colleges (61%) replied that the chief negotiator was a member of the college staff, while

seventy (44%) institutions employ an outside individual to be the chief negotiator. Table I presents a listing of the titles of the chief negotiator and the frequency of responses in the survey.

Table I

Identity of the Chief Negotiator by Title and the Frequency of Response

Campus Personnel		Off Campus Personnel	
Title	Number of Responses	Title	Number of Responses
Board Member	3	Attorney	40
President	5	Human Resources Spec.	3
VP/Dean Academic	7	System/District Negot.	8
VP/Dean Administration	26	Other (C.B. Consultant)	19
VP/Dean Student Svcs.	4		
Dean, other	3		
Personnel Officer	25		
Human Resources Spec.	7		
Other	16		
	N = 96*		N = 70*

* Ten institutions indicated they use two chief negotiators: one on campus person and the college attorney.

Considerable attention should be devoted to the choice of the chief negotiator for the board because the union will adjust its bargaining strategy according to who represents the employer at the table. If the board chooses among its own members to be their spokesperson, the union will seek to split the board and the administration by using the bargaining table as a vehicle to discuss openly all faculty complaints against the administration. This process also encourages the board to get involved in the day-to-day operations of the institution. If the president is the chief negotiator, fear of retaliation and the suppression of open discussion on issues are normally voiced by the union negotiators. Such situations usually result in the union bringing in a chief

negotiator from their state or national office. If the negotiations are conducted by the personnel office of the institution, this has a tendency to remove the academic offices of the institution from the collective bargaining process. Unless sufficient care is exercised to include the academic officers in the bargaining process, the college may be forced to administer a collective bargaining agreement in which little or no appreciation of the academic perspective or requirements is present. Students can suffer as a consequence.

The use of outsiders, while diminishing personal conflicts which arise at the bargaining table, presents problems of unfamiliarity with many of the issues being raised at the bargaining table. Our study revealed that the most commonly used outsiders are attorneys. However, most attorneys are not familiar with the educational system and have difficulty in understanding the issues which arise at the table. For example, to a person unfamiliar with the academic system, the difference between a faculty load based on credit hours as opposed to contact hours may seem to be of little importance; yet indeed it may be when considering faculty whose teaching assignments include laboratories and practicum. The difference between a credit hour load and a contact hour load is significant in terms of cost to the college as well.

4.0 Sources of Information

The amount of preparation put into the development of a collective bargaining proposal seems to be a significant factor in winning at the bargaining table. Each side attempts to obtain evidence to support its requests. The parties review other

proposals to obtain new ideas that might be included in their collective bargaining agreement. Faculty economic requests are a constant attempt to increase salary. Normally, the faculty economic proposals are high since they are based on the concept that you don't get everything you ask for. Administrative economic proposals are always considered in the light of the difficulty of finding the funds to implement the proposals. Boards are also faced with the dilemma of not initiating an economic proposal which is significantly above one's peer group institutions while at the same time not being too low to make it hard for the institution to recruit a quality staff.

Research on the previous employment of two year college faculty during the early years of collective bargaining indicates a significant number of faculty were recruited from the secondary level Anderson and Spencer (1967) and Medsker and Tillery (1971). Recruited from the secondary level, faculty were familiar with the services provided by the two major organizations concerned with teacher collective bargaining, the American Federation of Teachers (AFT) and the National Education Association (NEA). Knowing what information was available from their national and state offices, teachers developed a sense of security. Affiliating with one of these two groups would provide the technical expertise and documentation necessary to develop initial contract proposals. The competition for representation rights led to significant competition between the two organizations. For example, the NEA established a separate division entitled the National Faculty Association for Community and Junior Colleges, which was specifically charged with providing support services to two-year

college faculty as they began their collective bargaining experience. These services, coordinated through the state organization, included intense training sessions for faculty negotiations and prototype collective bargaining agreements. To present a comprehensive package at the table, the faculty bargaining teams have to do little more than put their college name in the designated blocks of the prototype agreement.

This level of organization and information support base appears to have given faculty unions a bargaining edge in the initial negotiation years. An indication of this support can be found in the analysis of collective bargaining agreements in the New Jersey community colleges by Begin, et al (1977), which found that 90 percent of the collective bargaining agreements contained a past practice clause considered to be a significant union benefit. Only 60 percent of the contracts contained a management rights clause, considered to be an important clause of management.

At the present time, it appears that the education unions have, at the very least, maintained their level of support to their campus affiliates. There are indications, however, that this level of support is increasing as the unions apply electronic data processing techniques to the acquisition and tabulation of relevant data.

To examine the extent of the administrative preparation for faculty collective bargaining, this study sought to identify the sources of information that administrative negotiators use in preparing for collective bargaining. Negotiators were asked to rank/prioritize ten possible sources of information as to the priority of their use in negotiations preparations. The results

present a problem for interpretation because some respondents prioritized the list of possible sources while other respondents simply checked all those sources used to keep abreast of developments in the field. Therefore the survey results are presented in two forms: a priorities ranking and a frequency ranking (Table II).

Table II

Sources of Information on Collective Bargaining for College Negotiators

Source of Information	Total No. of Responses [1]	Weighted Responses [2]
Personal Contact	109 (1)	592 (1)
Chronicle of Hi. Ed.	78 (2)	340 (3)
Other	61 (3)	365 (2)
State Negotiators Group	55 (4)	301 (4)
State School Board	53 (5)	289 (5)
NCSCBHEP	37 (6)	168 (6)
AAUP	36 (7)	130 (8)
NEA	34 (8)	104 (10)
Subscription Services	30 (9)	139 (7)
State Dept. of Hi. Ed.	24 (10)	124 (9)
ACBIS	23 (11)	92 (11)

1. Number represents the total number of times this source was checked by the respondents.

2. Ranking by assigning each response a number based on a scale of 10 points for every number 1, 9 points for number 2, and so on.

The results point to the fact that there does not exist a systematic process by which board negotiators collect information but rely on informal contacts as the predominant source of information. An unanswered question in these findings deals with whether this is the case because the so called available sources of technical information are deemed to be inadequate or the potential users of this information are not aware of these sources. One must seriously question whether the lack of available information puts

the administration at a disadvantage at the table. If yes, the administration is in a reactive situation or defensive situation in which it only responds to proposals generated from the union. The alternative would be for the administration to take a proactive posture where it develops its own proposals independent of the current contract or what the union may be seeking.

5.0 The Use of Computers to Facilitate Bargaining

The third focus of this study was to determine the extent computers are being used by administrative bargaining teams. In response to the question, "Does the chief negotiator have the use of a computer to facilitate the negotiations process?", there were 110 'yes' responses and 26 'no' responses. In addition, 12 respondents indicated that although they did not presently have a computer, the incorporation of a computer into the office operation was planned within the next three years.

With regard to the type of computer used, 26 respondents indicated that they have a mainframe, 14 respondents use minicomputers, and 28 respondents have microcomputer or personal computers. An additional 42 respondents indicated they use a microcomputer in conjunction with either a mainframe or a mini-system. This arrangement allows for sensitive material to be stored in a smart 'terminal' so that the information cannot be accessed through any other terminal in the institution's computer system.

Several questions were included to determine how computers are used to facilitate the negotiation process. Ninety-one respondents (58%) indicated that their system is used for word processing and

text management. The average estimated hours of usage per week for word processing during the negotiations process was 8.65 hours.

Computers are also being used to develop and record a variety of employee information. The identified uses and the level of responses are:

1. Salary - 88 yes, 10 no;
2. Fringe Benefits - 80 yes, 15 no;
3. Use of sick leave - 60 yes, 32 no; and
4. Use of annual leave - 54 yes, 35 no.

The study also sought to determine the extent to which computers were being used to maintain a reference library on external information useful to negotiations. The responses were:

1. To maintain a file on model contract clauses - 13 yes, 84 no;

2. To track applicable federal and state legislation and regulations - 5 yes, 88 no;

3. Decisions on court or state regulatory agencies - 6 yes, 85 no; and

4. Arbitrators' decisions - 6 yes, 84 no.

The final question dealt with the use of computers to carry out analysis and cost projections on issues raised at the bargaining table. The responses to this question were:

1. Staffing patterns - 55 yes, 38 no;
2. Schedule patterns - 44 yes, 44 no;
3. Salary patterns - 81 yes, 15 no;
4. Fringe benefits - 72 yes, 25 no;
5. Paid leave policies - 37 yes, 49 no;
6. Operational cost patterns - 50 yes; 40 no; and
7. Capital expenditures - 28 yes, 52 no.

The responses to this section of the survey indicate a developing pattern of computer use to facilitate the collective bargaining process. The majority of college offices are computerized; however, the predominant use is word processing and text management. The data also indicates some institutions are

using computers to track and maintain employee records on personnel issues including salary, fringe benefits, the use of sick leave, and annual leave. Computers are also being used, to a lesser extent, to project the impact of collective bargaining agreements on salary and compensation issues as well as personnel issues. This use will probably increase in the future as negotiations over compensation packages become more complex. Boards will need to know the total financial cost of these complex compensation packages in order to make a decision on whether the institution can afford such a program.

The study found computers are not used in a significant way to maintain reference files on information relative to the collective bargaining process. This is probably due to the time required to establish such a system and to maintain and update the system with new information. Other professions are increasingly using computers to maintain information systems that provide quick access to computer based reference files. The legal, medical, and financial professions are examples of those using computerized data based information systems. One can speculate that it will not be long before information on personnel management will be available in such a computerized format.

6.0 State Organization Role

One of the more puzzling findings of this study is the lack of exchange of information between institutions within the states. Only one state appears to have an organization of community college negotiators. In that state, New Jersey, the negotiators meet on a regular basis to exchange information regarding community college negotiations. Of the fourteen other states included in this study,

respondents in three states were unanimous that no such organization exists. However, in the eleven other states, the responses were mixed. In these states respondents were divided on whether or not an organization exists to exchange information routinely regarding negotiations on the campuses. Even if an organization exists in such states, it must be assumed to be less than effective since many institutions are not aware of the its existence.

This lack of coordination in the exchange of information would appear to place the community college administration at a disadvantage when they approach the bargaining table. It has been well documented that the national labor organizations can supply their campus affiliates with an impressive amount of information regarding salaries, fringe benefits and working conditions clauses negotiated at other campuses. If, as Lombardi states "the collective bargaining process brings together two equal parties to bring about a negotiated settlement", the lack of information for the administration would certainly appear to result in the parties not being equal in their ability to prepare for the negotiations process.

The one state which does have an organization of community college negotiators (New Jersey) prepares an annual salary survey listing the salary ranges and current salaries of incumbents in each position within the institution. The organization also conducts periodic surveys to keep track of such other areas of interest to bargaining such as rates of adjuncts, overload pay, working hours, fringe benefits, and periodic updates. Information is maintained on changes in every collective bargaining agreement

reached within the system so that members can have the most up-to-date information available to them when preparing for or engaging in the bargaining process. Information is also collected and disseminated on grievance and arbitration cases taking place on the college campuses. The negotiators are therefore able to track bargaining tactic trends currently being used by the various unions. It would seem such information would be of great assistance to the individuals responsible for the bargaining process on each campus. However, it is puzzling why such practices have not been implemented in other states.

Recommendations

Steps should be taken to improve the timeliness, quantity, and quality of information available to college boards and administrations for collective bargaining. One of the most effective ways to collect and distribute such information would be through state associations of the persons who represent the Board in negotiations. The structure of such a statewide organization would depend to some extent on how the community colleges are organized within the state. In some cases, the state office of community colleges may be the best mechanism to organize the negotiators while in other states the negotiators may have to form a voluntary independent organization. Regardless of how the organization is formed or structured, it is critical that Board negotiators be provided in-service training on negotiation strategies as well as timely information. An organization at the state level could also be helpful in developing guidelines to assure compatible equipment and common data bases to more effectively share information.

The present use of computers by college negotiators appears to be on par with the general use of computers by administrators. However, the range of computer usage ranges from none to very proficient. The majority of respondents of this study appear to be at the elementary user stage. Therefore, much more work has to be done to develop negotiator skills in computerizing the negotiations and labor relations process. Ultimately, Boards of Trustees and their negotiators will need to have information, necessary for collective bargaining, gathered on a statewide and on a national basis.

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ABOUT THE AUTHORS

Thomas A. Henry was born and raised in Philadelphia, Pennsylvania. He holds Bachelor's and Master's degrees in Biology from LaSalle University and the University of Pennsylvania, respectively. His doctorate is in college administration from Virginia Tech. In 1967, he joined the faculty at Cumberland County College as an Assistant Professor of Biology. After serving as the Assistant Dean of Instruction and Assistant to the President, he is currently the Dean of Development. Dr. Henry's interest in academic collective bargaining started in 1968 when he represented the faculty in negotiating the initial faculty contract. Until 1976, he was the chief negotiator for the faculty. After becoming a member of the college administration, he was appointed the negotiator for the Board of Trustees. His interest in the field of academic collective bargaining has focused on the difference in institutional expenditure patterns in institutions with and without faculty collective bargaining.

Louis W. Bender is Professor of Higher Education in the Department of Educational Leadership and Director of the State and Regional Higher Education Center. He specializes in policy studies related to the community college in such areas as governance, organizational structure and management, resource development, management information, as well as state level coordination and planning. His interest in collective bargaining developed during his service as State Director of Community Colleges and then Assistant Commissioner for Higher Education in the Commonwealth of Pennsylvania when that state's collective bargaining law was enacted. Professor Bender is an active researcher and author and serves on several editorial boards of professional journals. He also is a member of the Board of Directors of the American Association of Community and Junior Colleges and the State Board for Independent Colleges and Universities in Florida.

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Junior Colleges
MAR 27 1987

ACKNOWLEDGEMENTS: We thank the Tallahassee Community College, President James Hinson and the Print Shop staff for duplication and binding of this monograph report.

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